

Form FOC 10 / 52

ORDER REGARDING SUPPORT (UNIFORM SUPPORT ORDER)

Use this form if:

- you had a hearing on your Motion Regarding Support (Form FOC 50) and both you and the other party (and a third party) agree to sign the order without another hearing; or
- you had a hearing on your Motion Regarding Support (Form FOC 50) and the other party (and a third party) will not sign the order; or
- you and the other party (and a third party) have agreed on the support and want the court to sign your proposed order without having to file a motion and attend a hearing on the motion.

Either Form FOC 10 / 52 or FOC 10a / 52a is also to be used along with Form FOC 89

By filling in this form and using the instructions, you are representing yourself in a court action regarding support.

In order to receive the action you seek, you must follow the instructions. If you fail to do even one of the required steps, the order you get from the court may not give you the support you want.

You will need to use your court papers for divorce, separate maintenance, paternity, or family support to fill out this Order form.

After you fill out the order form, you must file it with the court and serve it on the other party. Then you will need to attend the hearing. Read the instructions for these things and use the checklist to make sure you've done what you need to.

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|--|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | Get the judge's signature? (NOTE: See pages 3-5 for details) | YES <input type="checkbox"/> |
| 4. | Return to the clerk's office with all copies of the signed order? | YES <input type="checkbox"/> |
| 5. | Make sure the clerk stamps all copies of the signed order? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the signed order for yourself? | YES <input type="checkbox"/> |
| 7. | Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? | YES <input type="checkbox"/> |
| 8. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

If you cannot answer "yes" to all the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the support you want. **Note:** Regardless of the amount of support you ask for, the court is required to use the Child Support Formula in deciding what support should be, unless the court finds that using the Formula would be unjust or inappropriate. If you filed the motion form FOC 50, you are responsible for preparing the order even if it is not what you asked for.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

What instructions are in this packet:

Pages 3 and 4 - Instructions for getting a stipulated (mutually agreed upon) order signed

Page 5 - Instructions for getting an order signed after a hearing

INSTRUCTIONS FOR GETTING A STIPULATED (MUTALLY AGREED UPON) ORDER SIGNED (when both parties have signed the order without a hearing)

»» SIGNING AND FILING OF ORDER

NOTE: A hearing on a stipulated order is not necessary unless the judge requests it.

1. Fill out the order form.

Use the instructions on page 6. Since there is only an original of the form in this packet, type or print neatly. Be careful not to make mistakes.

Make at least 5 copies of the form after you have filled it out.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by the friend of the court. Then do either step a. or b. below.

a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and 5 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call the office to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.

b. If the order does not need to be approved by the friend of the court, do step 3. below.

3. Get the order to the judge.

Since the other party or third party has signed the order, contact the friend of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask when to come back for the signed order. If the signed order is sent to the county clerk by the judge, you won't have to pick it up.

4. Pick up the signed order.

If the other party or third party signed the order and you dropped it off for the judge's signature, go back and pick it up on the day and time you were told unless the judge sends the signed order to the county clerk for you. If you have to pick up the order, make sure you pick up the original and all 5 copies of the order.

5. Return to the county clerk.

Once you have the signed order (FOC 10 / 52 or FOC 10a / 52a), bring the original and 5 copies with you. The clerk will stamp the order, keep the original and 1 copy, and return the other 4 copies to you. The county clerk will deliver 1 copy to the friend of the court.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) 1 copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by regular, first-class mail.

What you need for service:

- 1 Copy of FOC 10 / 52 or FOC 10a / 52a - for the other party
- 2 Copies of FOC 10 / 52 or FOC 10a / 52a - for proof of service
- Any additional copies of FOC 10 / 52 or FOC 10a / 52a - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the order and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The clerk will deliver 1 copy to the friend of the court.

INSTRUCTIONS FOR GETTING THE ORDER SIGNED AFTER A HEARING

»» SIGNING AND FILING OF AN ORDER

1. Fill out the order form.

Normally you will fill out the order at the hearing on the motion. Use the instructions on page 6. Since there is only an original of the form in this packet, type or print neatly. Be careful not to make mistakes.

Make copies of the form based on the instructions on either page 3 of this booklet or in booklets for forms FOC 53 or FOC 54 depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Call the friend of the court office and ask if the order must be approved by the friend of the court. Then do either step a. or b. below.

a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and 5 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call the office to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.

b. If the order does not need to be approved by the friend of the court, do step 3. below.

3. Get the order signed by the judge.

After you have filled out the order, you must have it signed by the judge. If both you and the other party sign the order to show you both approve the order, then go to pages 3 and 4 of this booklet for further instructions on getting the order signed by the judge. Otherwise you must do either of the following:

a. Schedule and attend a hearing to get the order signed.

(Use packet for Form FOC 53, Notice of Hearing to Enter Order)

b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.

(Use packet for Form FOC 54, Notice to Enter Order without Hearing)

INSTRUCTIONS FOR COMPLETING "UNIFORM CHILD SUPPORT ORDER"

Please print neatly. After filling in the form, you will need to make copies.

All items must be completed before the order can be given to the judge for his/her signature. Then fill in the correct information for each item on the form.

Before you fill in the Case No., get your copy of the Motion (Form FOC 50 or Form 87) or your court papers for divorce, separate maintenance, paternity, or family support. Copy the Case No. from that paper onto both pages of this form.

Also use the motion or other court papers to fill in the "Plaintiff" and "Defendant" boxes. Copy the names from the motion or other court papers onto both pages of this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this order form.

If there was a hearing, fill in the information based on what the judge or referee ordered at the hearing on the motion. If you and the other party are stipulating to the order, you have both agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must fill in exactly what you agree on. Make sure you include everything you agreed on. Anything that you do not write down on this form will not be ordered even if you and the other party had agreed on it.

If you filed a motion (FOC 50 or FOC 87) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign the order. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

If you and the other party are stipulating to the order, you both must sign the order.

Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, contact the friend of the court office. If it is required, see either page 3 or 5 of this booklet for directions on getting the friend of the court's approval.

To find out how to get the order signed, see either page 3 or 5 of this booklet for details.

On the date you serve a copy on the other party, write in the date and sign your name on the remaining 3 copies. Return to the county clerk with 2 copies.

You must read this booklet and other publications, such as the Michigan Child Support Formula Manual and the Friend of the Court Handbook, for assistance with the legal process.

STATE OF MICHIGAN 50 th JUDICIAL CIRCUIT Chippewa COUNTY	UNIFORM CHILD SUPPORT ORDER, NO FRIEND OF COURT SERVICES (PAGE 1) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
Court address 319 Court Street, Sault Ste. Marie, MI 49783		FAX no.
		Court telephone no. (906) 635-6338

Plaintiff's name, address, and telephone no. 	v	Defendant's name, address, and telephone no.
Plaintiff's attorney name, address, telephone no., and bar no. 		Defendant's attorney name, address, telephone no., and bar no.
Plaintiff's source of income name, address, and telephone no. 		Defendant's source of income name, address, and telephone no.

The court finds an order exempting this case from friend of the court services was entered on _____.

(NOTE: If there is no order exempting this case from friend of the court services, form FOC 10 must be used.)

UNLESS OTHERWISE ORDERED in item 9: ☐ standard provisions have been modified (see item 9)

1. This order continues until each child is age 18 or graduates from high school, as provided by MCL 552.605b, whichever is later, but no longer than age 19 1/2. Child care for each child continues through August 31 following each child's 12th birthday.

2. **Child Support.** The payer has a monthly child support obligation as follows:

Payer:	Payee:	Support effective date:
Children's names and birth dates:		

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base support: (includes support plus or minus premium adjustment for health care insurance)					
Support:	\$	\$	\$	\$	\$
Premium adjust.	\$	\$	\$	\$	\$
Total	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Total:	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

☐ Base support shall abate 50% after six consecutive overnights with the payer.
☐ The premium adjustment ☐ is ☐ is not subject to abatement.
☐ Support was set based on the shared economic responsibility formula using _____ overnights of parenting time for the payer.
 The support provisions ordered above ☐ do ☐ do not follow the child support formula.

3. **Insurance.** For the benefit of the children, ☐ plaintiff ☐ defendant shall maintain health care coverage through an insurer [as defined in MCL 552.602(o)] that includes payment for hospital, dental, optical, and other health care expenses when that coverage is available through an employer or under an existing individual policy at the following reasonable cost:

- ☐ up to a maximum of \$ _____ for plaintiff. ☐ up to a maximum of \$ _____ for defendant.
☒ not to exceed 5% of the plaintiff's/defendant's gross income.

(see Page 2 for remainder of order)

MCL 552.14, MCL 552.517, MCL 552.517b(3), MCR 3.211

Approved, SCAO

Original - Court
1st copy - Plaintiff

2nd copy - Defendant
3rd copy - Friend of the Court

STATE OF MICHIGAN 50 th Chippewa	JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER, NO FRIEND OF COURT SERVICES (PAGE 2) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
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Court address

FAX no.

Court telephone no.

319 Court Street, Sault Ste. Marie, MI 49783

(906) 635-6338

Plaintiff's name

v

Defendant's name

4. **Uninsured Health Care Expenses.** All uninsured health care expenses exceeding the ordinary medical amount will be paid _____% by the plaintiff and _____% by the defendant. Uninsured expenses exceeding the ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by filing a motion with the court. The yearly ordinary medical amount is _____.

☐ 5. **Qualified Medical Support Order.** This order is a qualified medical support order in accordance with 29 USC 1169. Further details, as prescribed by 29 USC 1169(a)(3), are stated in item 9.

6. **Retroactive Modification and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.

7. **Change of Address, Employment Status, Health Insurance.** Both parties shall notify each other in writing, within 21 days of any change in: a) their mailing or residence addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law under MCL 552.603.

8. **Prior Orders.** Except as changed in this order, prior provisions remain in effect. Support payable under any prior order is preserved.

9. **Other: (attach separate sheets as needed)**

IT IS SO ORDERED.

Date

Judge Bar no.

Plaintiff (if consent/stipulation) Date

Defendant (if consent/stipulation) Date

Plaintiff's attorney Date

Defendant's attorney Date

Prepared by: _____
Name (type or print)

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties and their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Date

Signature

MCL 552.14, MCL 552.517, MCL 552.517b(3), MCR 3.211